

# AMERICAN LEGISLATIVE EXCHANGE COUNCIL

## MEMORANDUM

**To: Telecommunications and Information Technology Task Force Members**  
**From: John Stephenson, Task Force Director**  
**Date: July 18, 2011**  
**Re: 35 DAY MAILING - REVISED**

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Task Force Members,

This is a **revised** 35 Day Mailing for the American Legislative Exchange Council's 38<sup>th</sup> Annual Meeting, which is scheduled to take place **August 3-6, 2011** in **New Orleans, Louisiana**. If you have not already registered for the Annual Meeting, you may still do so at <http://www.alec.org/>. **Members are strongly encouraged to closely review the information contained in this Mailing.**

Since the distribution of the original 35 Day Mailing on June 30th, the co-chairs have requested a dual referral, from the Education Task Force, of a model resolution regarding digital learning (Note: if you have any concerns about this resolution, **please contact me immediately** using the information below). Additionally, I have confirmed details for two workshops addressing issues related to tax nexus and e-commerce. The text of the model resolution is included in the enclosed document and the details for the workshops appear below.

### About This 35-Day Mailing

This is an electronic-only 35-Day Mailing. In addition to receiving this e-mail, you may also access it on the Telecommunication and Information Technology Task Force web page at <http://www.alec.org/>. Keep in mind that you will need your ALEC username and password to access the 35-Day Mailing online. If you don't have an ALEC log-in, or if you'd like to change your username and password, contact Briana Mulder at 202-742-8507 or by email at [bmulder@alec.org](mailto:bmulder@alec.org). Conversely, if you choose to receive 35-Day Mailings via regular mail, please let me know using the information below. I will assume that you prefer this e-mail method unless you indicate otherwise.

### Please find the following materials enclosed:

- A Telecommunications and Information Technology Task Force Tentative Agenda
- The Minutes from the April 2011 Spring Task Force Summit
- Model Legislation for consideration at the Task Force Meeting
- A Task Force Roster
- Annual Meeting Tentative Agenda
- Registration Materials and Reimbursement Policy
- Task Force Operating Procedures
- ALEC Mission Statement

### Meetings and Events Task Force Members Should Attend:

- Joint Working Group on 21<sup>st</sup> Century Commerce & Taxation, **Wednesday, August 3, 8:45am-9:45am local time (Louisiana Gallery 2)**
- Workshop on "Leveling the Playing Field on Sales Tax Collection: State Efforts to Further Define Physical Nexus," **Friday, August 5, 9:30am-10:45am local time (Louisiana Gallery 3)**
- Workshop on "Exploring ALEC positions on e-commerce and e-taxes," **Friday, August 5, 11:00am-12:15pm local time (Louisiana Gallery 3)**
- Task Force Meeting, **Friday, August 5, 2:30-5:30pm local time (Louisiana Gallery 3)**
- Task Force Reception, **Friday, August 5, 5:30-6:30pm local time (Louisiana Gallery 4)**

**Meeting Location, Registration, and Accommodations:** The Annual Meeting will take place at the New Orleans Marriott at 555 Canal Street in New Orleans, LA. Visit <http://www.alec.org> to register and find information about travel and accommodations. Task Force Public Sector members should contact their State Chairs to inquire about scholarship money to attend the conference. See the Reimbursement Policy for procedures.

I will advise you of any changes to the information contained in this Mailing. If you have any questions or comments regarding these documents or the upcoming Annual Meeting, please don't hesitate to contact me at (202) 742-8524 or by e-mail at [jstephenson@alec.org](mailto:jstephenson@alec.org). I look forward to seeing you in New Orleans.

Warmly,

John

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# ALEC 2011 Annual Meeting Agenda\*

*All meetings will be held in New Orleans Marriott unless otherwise*

<b>Monday, August 1</b>	
Board of Directors Reception, <i>by invitation only</i>	6:00 p.m. - 7:00 p.m.
Board of Directors Dinner, <i>by invitation only</i>	7:00 p.m. - 9:00 p.m.
<b>Tuesday, August 2</b>	
Registration Open	12:00 p.m. - 5:00 p.m.
Joint Board of Directors Meeting	9:00 a.m. - 5:30 p.m.
State Chairs Training	3:00 p.m. - 5:00 p.m.
Leadership Reception, <i>by invitation only</i>	6:00 p.m. - 7:00 p.m.
Leadership Dinner, <i>by invitation only</i>	7:00 p.m. - 9:00 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.
<b>Wednesday, August 3</b>	
Registration Open	7:30 a.m. - 5:00 p.m.
Task Force Subcommittee Meetings	7:30 a.m. - 11:30 a.m.
State Chairs Meeting	9:00 a.m. - 11:15 a.m.
ALEC Exhibition Hall Open	9:30 a.m. - 5:00 p.m.
<b>Opening Luncheon</b>	<b>11:30 a.m. - 1:30 p.m.</b>
Workshop I	1:45 p.m. - 3:00 p.m.
Workshop II	1:45 p.m. - 3:00 p.m.
Task Force Chairs Meeting, <i>by invitation only</i>	3:15 p.m. - 4:15 p.m.
Workshop III	3:15 p.m. - 4:30 p.m.
Workshop IV	3:15 p.m. - 4:30 p.m.
Chairman's Reception, <i>by invitation only</i>	5:00 p.m. - 6:00 p.m.
Louisiana Welcome Reception	6:30 p.m. - 8:30 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.
<b>Thursday, August 4</b>	
Registration Open	7:30 a.m. - 5:00 p.m.
ALEC Exhibition Hall Open	9:30 a.m. - 5:00 p.m.
<b>Plenary Breakfast</b>	<b>8:00 a.m. - 9:15 a.m.</b>
Workshop V	9:30 a.m. - 10:45 a.m.
Workshop VI	9:30 a.m. - 10:45 a.m.
Workshop VII	11:00 a.m. - 12:15 p.m.
Workshop VIII	11:00 a.m. - 12:15 p.m.
<b>Plenary Luncheon</b>	<b>12:30 p.m. - 2:15 p.m.</b>
Task Force Meetings	2:30 p.m. - 5:30 p.m.
<ul style="list-style-type: none"> <li>• Energy, Environment and Agriculture</li> <li>• Health and Human Services</li> <li>• International Relations</li> <li>• Public Safety and Elections</li> <li>• Tax and Fiscal Policy</li> </ul>	
Health and Human Services Task Force Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
International Relations Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
Reception	6:30 p.m. - 8:30 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.
<b>Friday, August 5</b>	

Friday, August 5	
Registration Open	7:30 a.m. - 12:30 p.m.
ALEC Exhibition Hall Open	9:30 a.m. - 12:00 p.m.
<b>Plenary Breakfast</b>	<b>8:00 a.m. - 9:15 a.m.</b>
Workshop IX	9:30 a.m. - 10:45 a.m.
Workshop X	9:30 a.m. - 10:45 a.m.
Workshop XI	11:00 a.m. - 12:15 p.m.
Workshop XII	11:00 a.m. - 12:15 p.m.
<b>Plenary Luncheon</b>	<b>12:30 p.m. - 2:15 p.m.</b>
Task Force Meetings	2:30 p.m. - 5:30 p.m.
<ul style="list-style-type: none"> <li>• Commerce, Insurance and Economic Development</li> <li>• Civil Justice</li> <li>• Education</li> <li>• Telecommunications and Information Technology</li> </ul>	
Telecommunications and Information Technology Task Force Reception	5:30 p.m. - 6:30 p.m.
Incoming Chairman's Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
State Night <i>Contact your state chair</i>	6:30 p.m.
Saturday, August 6	
Prayer Service**	9:00 a.m. - 10:30 a.m.
Experience New Orleans Activities	TBD
Shooting outing	

*\*Agenda subject to change*

*\*\* Unaffiliated event*



**TELECOMMUNICATIONS & INFORMATION TECHNOLOGY TASK FORCE  
MEETING**

**FRIDAY, AUGUST 5<sup>TH</sup> 2011**

***ALEC 38<sup>th</sup> Annual Meeting – New Orleans Marriott, New Orleans, LA***

***Tentative Agenda***

**2:30pm-5:30pm      Task Force Meeting (*Louisiana Gallery 3*)**

Call to Order, Approval of the Agenda, Introductions, and Old Business (10 minutes total)

- Adoption of Minutes for the ALEC 2011 Spring Task Force Summit

Presentations (30 minutes total)

- A World of Data: A State of Vigilance, *Hon. Susan Combs, State of Texas*
- The Laws of Disruption: Harnessing the New Forces that Govern Life and Business in the Digital Age, *Larry Downes, TechFreedom*

Legislation (30 minutes total)

- Motions to strike the Resolution on MFJ Restrictions on Manufacturing and IntraLATA Information Services, Resolution in Favor of Unrestricted Caller\*ID, and the Resolution Lifting the MFJ Restriction on Long Distance Services  
*Kelly Cobb, ATR/Rep. Don Parsons, Georgia, Model Legislation Review Working Group*
- Resolution in Support of Federal Efforts to Address Rogue Internet Sites that Sell Counterfeit Products and Facilitate Digital Theft – *The Global Intellectual Property Center*

Presentations (30 minutes total)

- Current Cable Industry Issues in the States and at the FCC, *Rick Cimerman, NCTA*
- The AT&T-T-Mobile Merger: A Status Report *Wayne Fonteix, AT&T*

Legislation (45 minutes total)

- Amendments to the ALEC 21<sup>st</sup> Century Commercial Nexus Act, *Braden Cox, Amazon.com/Steve DelBianco, NetChoice*
- Streamlined Sales Tax Resolution –*Sen. Wayne Niederhauser, Utah*
- Resolution Adopting the 10 Elements of High-Quality Digital Learning – *Sen. Rich Crandall, Arizona*

Presentations (30 minutes total)

- The First Amendment and Constitutional Protections for Video Games, *Allison Fleming, ESA*
- Federal and State Efforts to Mandate Privacy, *Steven Titch, Reason Foundation*

New Business (5 minutes total)

- Next steps in review of ALEC model legislation for revision or deletion

Adjourn

**5:30pm-6:30pm      Task Force Reception (*Louisiana Gallery 4*)**



**Telecommunications & Information Technology Task Force Meeting**

**ALEC's 2011 Spring Task Force Summit**

***Cincinnati, OH***

**Friday, April 30, 2011**

**Meeting DRAFT Minutes**

**Public Sector:**

Rep. Blair Thoreson, Co-Chair  
Sen. Joel C. Anderson, CA  
Rep. Buzz Brockway, GA  
Rep. Paul Farrow, WI  
Rep. Calvin Hill, GA  
Rep. Todd Kiser, UT  
Rep. Joe Knilians, WI  
Rep. Tom Larson, WI  
Rep. Steve McDaniel, TN  
Rep. Jim Patrick, ID  
Rep. Don Parsons, GA  
Sen. Deb Peters, SD  
Rep. Roger Solum, SD  
Rep. Michael Stinziano, OH  
Rep. Ryan Wilcox, UT

**Guests:**

Ed Ingle, Microsoft  
Rebecca Madigan, PMA  
John McGee, OCTA  
Steve Pociask, American Consumer Institute  
Maggie Sans, Wal-Mart  
Laurie Smalling, Wal-Mart

**Private Sector:**

Bartlett Cleland, IPI, Co-Chair  
Dusty Brighton, eBay  
Rick Cimerman, NCTA  
Kelly Cobb, Americans for Tax Reform  
Braden Cox, Amazon.com  
Steve DelBianco, NetChoice  
Kristine Esposito, DCI Group  
Allison Fleming, ESA  
Wayne Fonteix, AT&T  
Carl Gipson, Washington Policy Center  
Michael Grover, Cox Communications  
Jim Harper, Cato Institute  
Dan Horowitz, ITSA  
Diane Katz, Heritage Foundation  
Megan Lachutka, Time Warner Cable  
John Maher, Comcast  
Chris Oswald, Reed-Elsevier  
Pete Poynter, AT&T  
Greg Saphier, NCTA  
Steve Seale, Carter Wise  
John Stephenson, SAP  
Michael Wall, Comcast  
Walter White, Verizon

**I. WELCOME AND INTRODUCTIONS**

The meeting began at 2:00pm. Rep. Blair Thoreson of North Dakota and Bartlett Cleland of IPI, respectively the Task Force Public and Private Sector Co-Chairs, opened the meeting by welcoming attendees. Task Force members and guests present introduced themselves. Members reviewed and approved the Agenda on a motion by Mr. Cleland.

**II. OLD BUSINESS**

The Task Force unanimously adopted minutes for its meeting at the December 3, 2010 ALEC States & Nation Policy Summit in Washington, D.C.

### **III. PRESENTATIONS**

The task force first heard a presentation by Steve DelBianco of NetChoice on iAWFUL: The Internet Advocates' Watchlist for Ugly Laws, which described state and federal legislative proposals that impact the Internet, especially e-commerce.

Rick Cimerman of NCTA presented to the Task Force on the Recovery Act's broadband stimulus grant program and provided Task Force members with several handouts on the topic.

Task Force Advisor Jim Harper of the Cato Institute spoke about efforts to protect privacy in the information age.

A guest, Rebecca Madigan of the Performance Marketing Association, spoke about affiliate nexus tax laws currently moving through state legislatures and their impact on affiliate marketers.

Finally, Steve Pociask of the American Consumer Institute and a guest of the Task Force, presented on consolidation in the telecommunications industry and its effect on wireless consumers.

### **IV. NEW BUSINESS**

Rep. Thoreson and Mr. Cleland announced the formation of a Working Group, comprised of Mr. Kelly Cobb of Americans for Tax Reform and Rep. Curry Todd of Tennessee, to study and recommend changes to old model legislation adopted by the Task Force. The Working Group planned to discuss changes over the next several months and provide recommendations to the Task Force at the 2011 Annual Meeting in New Orleans. The co-chairs also introduced John Stephenson as the new Director of the Task Force.

### **V. ADJOURN**

The Task Force meeting adjourned at approximately 4:30pm on a motion by Mr. Cleland.

## MOTION

Mr. Cobb and Rep. Parsons move to repeal the **Resolution of MFJ Restrictions on Manufacturing and IntraLATA Information Services** by striking the following:

### **~~Resolution of MFJ Restrictions on Manufacturing and IntraLATA Information Services~~**

#### ***Summary***

~~ALEC and its members must lead the “charge” to effect the changes that are necessary for America’s future. At all levels, and in all branches of government, ALEC actively supports any actions that would, with proper safeguards, lift the MFJ restrictions on manufacturing and IntraLATA information services upon the former Bell Operating Companies. Why should any U.S. company continue to be bound by restrictions that weaken the United States’ standing in a truly international competitive telecommunications marketplace? Considering the importance of rapid deployment of new technologies to all its citizens, and of improving the U.S. balance of trade position with other foreign countries in the world marketplace, we must take full advantage of all our potential in these critical areas.~~

#### ***Model Resolution***

~~**WHEREAS** advances in technology have brought our society into the information age; and~~

~~**WHEREAS** the national welfare will be greatly enhanced by bringing about the universal availability of the information age to the American people through the development and deployment of innovative technologies; and~~

~~**WHEREAS** the provision of IntraLATA information services, and the removal of judicially imposed restrictions on the development and availability of such services, will stimulate and encourage use of information age technology by the American people, and the extension of advanced network capability throughout the nation; and~~

~~**WHEREAS** it is the responsibility of Congress, rather than the courts, to determine communications public policy including its effect on economic competitiveness, national security, and foreign trade which are essential elements of a sound national telecommunications policy; and~~

~~**WHEREAS** the continued economic growth and international competitiveness of American industry are dependent upon permitting all American companies to provide IntraLATA information services, to conduct research and to design, develop, manufacture, and market software, firmware, telecommunications equipment and~~



customer premises equipment for all American residential, business, and governmental telecommunications users; and

~~WHEREAS~~ it is imperative that American industry provide new and innovative telecommunications services and an efficient, reliable, state-of-the-art, and internationally competitive public telecommunications network to serve the growing needs of the people of the United States in both rural and urban communities; and

~~WHEREAS~~ Congress should ensure that adequate accounting and structural safeguards exist to prevent cross-subsidization and other anti-competitive behavior, including but not limited to:

- ~~Federal and state open network architecture (ONA) requirements that will ensure information service providers equal access to local telephone networks;~~
- ~~Fully allocated cost accounting rules and a revised uniform system of accounts to prevent cross-subsidization by regulated carriers;~~
- ~~Implementation of price cap regulation at the federal level and other forms of incentive regulation in many states that eliminate or reduce incentives to cross-subsidize and include extensive service quality and network investment monitoring; and~~
- ~~Equal network access requirements that prevent the Regional Bell Operating Companies (RBOC)'s from discriminating against US Sprint and other inter-exchange carriers in favor of AT&T;~~

~~WHEREAS~~ the Federal Communications Commission is the appropriate federal agency, in conjunction with appropriate state regulatory agencies and the courts, to ensure fair competition in the telecommunications industry, while protecting the interests of customers; and

~~WHEREAS~~ the court order, referred to as the "Modification of Final Judgment" (MFJ) that broke up the former Bell System, prohibits the divested regional Bell companies from participating in certain telecommunications markets, namely, manufacturing and information services and IntraLATA long distance services; and

~~WHEREAS~~ removal of MFJ restrictions on the provision of IntraLATA information services and on the manufacturing of telecommunications equipment and customer premises equipment would foster American competitiveness because:

- ~~Removal would facilitate competitiveness with foreign telecommunications companies which are free to compete in markets in the United States;~~
- ~~Removal would help bring needed telecommunications technologies that are already in existence, but which the regional Bell companies are prohibited from~~

providing by the MFJ, to all consumers including hearing impaired persons, rural schools and hospitals, and others who might benefit from improved and affordable telecommunications;

- Removal would help stimulate the invention of new innovation telecommunications technologies and facilitate access of said innovations to rural Americans; and
- Removal would encourage investment in research, development, design, and manufacture of telecommunications and customer premises equipment.

**~~NOW, THEREFORE, BE IT RESOLVED~~** that the American Legislative Exchange Council calls upon the United States Congress to vigorously support legislation that would, with appropriate consumer and industry safeguards, allow all local telephone companies, including the Regional Bell Companies, to engage in the provision of IntraLATA information services and the research, design, development, and manufacture of software and telecommunications equipment; and be it further resolved that the staff of the American Legislative Exchange Council transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President of the Senate and every member of the Congress of the United States.

~~As unanimously adopted by the American Legislative Exchange Council Task Force on Telecommunications, May 18, 1991, Orlando, Florida.~~

## MOTION

Mr. Cobb and Rep. Parsons move to repeal the **Resolution in Favor of Unrestricted Caller\* ID Service** and strike the following:

### ~~Resolution in Favor of Unrestricted Caller\*ID Service~~

#### *Summary*

~~It has been this impetus of substantial and increasing levels of annoying and obscene calls, which violate the privacy and sensibilities of millions of Americans each year, that has spurred the development and deployment of Caller\*ID. Technology now permits the “re-introduction” of and “old” feature which allows the rights of called parties to have some information before answering their calls.~~

#### *Model Resolution*

~~WHEREAS, annoying and obscene calls terrorize millions of Americans and their families each year;~~

~~WHEREAS, Caller\*ID service uses state of the art telecommunications technology in enabling telephone users to see the number of the calling party before answering the phone;~~

~~WHEREAS, Caller\*ID has been proven to be an effective deterrent against annoying and obscene calls;~~

~~WHEREAS, Caller\*ID has been endorsed by many law enforcement authorities because of its effectiveness in reducing annoyance calls without the intervention of the authorities and because of the assistance it provides in criminal investigations, including bomb threats, kidnapping, and extortion;~~

~~WHEREAS, withholding the display of telephone numbers would substantially dilute the primary benefit of Caller\*ID—curbing annoying and obscene calls;~~

~~WHEREAS, withholding the display of telephone numbers would impair Caller\*ID’s life-saving potential because public agencies will continue to use Caller\*ID after 911 emergency service is deployed;~~

~~WHEREAS, accommodations may be cooperatively determined for those agencies that have compelling concerns;~~

~~**THEREFORE BE IT RESOLVED** that the legislature of the state strongly supports the implementation of Caller\*ID unencumbered by any restrictions. There is indisputable evidence that Caller\*ID’s wide-ranging public interest benefits will be maximized by the universal, unrestricted deployment of the service.~~

*ALEC's 1995 Sourcebook of American State Legislation*

## MOTION

Mr. Cobb and Rep. Parsons move to repeal the **Resolution Lifting the Modification of Final Judgment Restriction on Long Distance Service** by striking the following:

### **~~Resolution Lifting the Modification of Final Judgment Restriction on Long Distance Service~~**

#### **Summary**

~~When the Bell telephone system was broken up in 1984, artificial boundaries were created by the court to differentiate local from long distance service. These unnaturally imposed lines carry huge cost penalties for America's consumers. Indeed, calls connected across these boundaries no matter how close the connection must be routed through both long distance and local carriers. For the customer, that means phone bills reflect two corporate overheads and additional costs associated with circuitous routing that increases the distance of a call.~~

#### **Model Resolution**

~~**WHEREAS** advance in technology have brought our society into the information age; and~~

~~**WHEREAS** the national welfare will be greatly enhanced by bringing about the universal availability of the information age to the American people through the development and deployment of innovative technologies; and~~

~~**WHEREAS**, the provision of long distance service, and the removal of judicially imposed restriction on the development and availability of such service, will stimulate and encourage the use of information age technology by the America people, and the development of an advanced telecommunications infrastructure throughout the nation in the most fair and efficient manner; and~~

~~**WHEREAS** it is imperative that states have the freedom to encourage telecommunications companies to provided new and innovative services and an efficient, reliable, state-of-the-art, and internationally competitive public telecommunications network to serve the growing needs of the people of the United States in both rural and urban communities; and~~

~~**WHEREAS** the following accounting and structural safeguards exist that prevent anticompetitive behavior:~~

- ~~• federal and state Open Network Architecture (ONA) requirements that ensure all providers equal access to local telephone networks;~~
- ~~• fully allocated cost accounting rules and a revised uniform system of accounts which prevent cross-subsidization by regulated carriers;~~

- ~~implementation of price cap regulation at the federal level and other forms of incentive regulation in many states that eliminate or reduce incentives to cross subsidize and include extensive service quality and network investment monitoring; and~~
- ~~equal network access requirements that prevent discrimination against any interexchange carriers; and~~

~~WHEREAS the Federal Communications Commission (FCC) is the appropriate federal agency, in conjunction with appropriate state regulatory agencies, to ensure fair competition in the telecommunications industry, while protecting the interests of consumers; and~~

~~WHEREAS the court order on RBOCs, referred to as the “Modification of Final Judgment” (MJF) has prevented some two thirds of America’s domestically owned telecommunications industry from providing long distance service in competition with domestic and foreign telecommunications firms in the United States; and~~

~~WHEREAS it is the responsibility of Congress, rather than the courts, to determine telecommunications public policy including its effect on economic competitiveness, education reform, accessibility to health care, job creation, and criminal justice reform which are essential elements of a sound national telecommunications policy;~~

~~NOW THEREFORE BE IT RESOLVED, that the state legislature calls upon the United States Congress to vigorously support legislation which would encourage universal service, standardize consumer access and, with the existing consumer and industry safeguards, encourage open market competition by allowing all local telephone companies to engage in the provision of long distance service; and~~

~~BE IN FURTHER RESOLVED, that the state legislature transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President of the Senate and all the members of the Congress of the United States.~~

## **Support of Federal Efforts to Address Rogue Internet Sites that Sell Counterfeit Products and Facilitate Digital Theft**

WHEREAS, industries that create intellectual property are the backbone of the economic competitiveness of the United States and represent the only economic sector in which the United States has a trade surplus with every nation in the world; and

WHEREAS, the United States and all countries share the challenge of combating counterfeiting and piracy of intellectual property, including illicit trade in pharmaceutical drugs, cutting edge technologies, film, music, books, and inventions that affect the quality of life; and

WHEREAS, the counterfeiting and piracy have a significant impact on economies around the world, translate into lost jobs, lost earnings, and lost tax revenues, and threaten public health and safety; and

WHEREAS, the sale of counterfeit products over rogue Internet sites – such as fake pharmaceuticals, medical devices, auto and electrical parts, and many others – not only poses a severe risk to consumer health and safety but also undermines sectors of our national and state economies that have historically provided secure, high-paying jobs; and

WHEREAS, increasingly, consumers are lured to sophisticated and well-designed websites that appear legitimate but are in fact devoted almost exclusively to offering or linking to unauthorized downloads or streaming of copyrighted material – including the latest movie and music hits – or to trafficking in counterfeit products, from pharmaceuticals to luxury goods; and

WHEREAS, rogue websites that offer counterfeit and pirated goods attract millions of visitors, have accumulated billions of dollars of revenues and also threaten legitimate online commerce channels; and

WHEREAS, many rogue websites that offer counterfeit and pirated goods are hosted overseas, which makes it difficult for intellectual property rights holders and U.S. law enforcement to take effective action against them.

NOW, THEREFORE LET IT BE RESOLVED, that the American Legislative Exchange Council recognizes the ever-increasing importance of intellectual property and the new challenges and serious threats to its protection, which affect prospects for future growth of the United States economy; and

BE IT FURTHER RESOLVED, that the American Legislative Exchange Council supports robust and ongoing efforts to protect the health and well-being of citizens in the United States from illegal counterfeiting and piracy; and

BE IT FURTHER RESOLVED, that the American Legislative Exchange Council supports efforts by the U.S. Congress to enact ***The PROTECT IP Act*** (*Prevent Online*

*Threats to Economic Creativity and Theft of Intellectual Property, and for other purposes – Act)* or similar companion legislation, which will help the Justice Department to combat rogue websites that traffic in pirated music, movies and counterfeit goods and make it more difficult for rogue websites to operate; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to members of Congress, the Administration, and the relevant federal agencies to support this critical federal legislation addressing enforcement of intellectual property rights.



## **Proposed Amendments to ALEC's 21<sup>st</sup> Century Commercial Nexus Act**

### ***Summary***

In order to justify taxation of out-of-state businesses, some states have begun to infer these businesses have a physical presence in their state on the grounds that they receive referrals from in-state businesses ("affiliate-nexus") or because their parent company has a subsidiary in their state ("commonly controlled group"). The proposed amendments update the 21<sup>st</sup> Century Commercial Nexus Act to address these issues, adding specific language which prohibits the use of both the "affiliate-nexus" and "commonly controlled group" concepts as a rationale for collecting taxing from businesses without true physical presence in a state. These proposed amendments are underlined.

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## **The 21<sup>st</sup> Century Commercial Nexus Act**

### ***Summary***

The productivity enhancing gains of the "new economy" have led to unprecedented levels of economic growth in the United States. The Internet and other telecommunications services allow business and consumer to conduct transactions in seconds, even though they may be located thousands of miles apart. And yet, under the rules of the "old economy," the technology of the "new economy" threatens to make many consumers and businesses subject to taxation in multiple jurisdictions. State governments must act now to protect the "new economy" from over-regulation. States can accomplish this by adopting bright line rules giving clear guidance to businesses as to when and where their business activities will require them to collect and remit sales and use taxes in particular states.

### ***Model Legislation***

**{Title, enacting clause, etc.}**

**Section 1. {Title}** This Act may be cited as The 21<sup>st</sup> Century Commercial Nexus Act.

**Section 2. {Statement of Purpose}** It is the intent of the LEGISLATIVE BODY to create a bright line rule, similar to that espoused by the Supreme Court of the United States in *Quill v. North Dakota*, 504 U.S. 298 (1992), to determine when a business must collect and remit sales and use tax to the state of [Insert Name].

### **Section 3. {Definitions}**

(A) "business" means any entity engaged in commerce or enterprise.

(B) "employees" means paid servants of a business that lives or works in the state of [Insert Name].

(C) "common carrier" means mail, air, ground, rail or other form of transportation commonly used to facilitate business.

(D) “advertising” means the promotion of products or services of a particular business in print, electronic, television, radio or other forms of media.

(E) “licensing” means an agreement between a software seller and software user that the user will be the sole consumer of the software product.

(F) “representatives” means employees or independent contractors of a business.

(G) “nexus” means substantial physical presence, such as facilities, plants, distribution centers, offices, property and employees **necessary to maintain a retail market in the state of [Insert Name].**

#### **Section 4. {Amendment to State Sales and Use Tax Code}**

Section [insert appropriate section] is amended to read:

(A) No business shall be liable to collect and remit sales and use tax to the state of [Insert Name] unless the business has nexus in the state of [Insert Name].

(B) Conducting economic activities, such as, but not limited to, directing business activities toward the state of [Insert Name] by use of telecommunications or common carrier, advertising ~~in the state of~~, **hyperlinks and other referrals**, licensing software in the state of [Insert Name], deriving income or revenue from customers in the state of [Insert Name], sending representatives to the state of [Insert Name] to generate business, attending trade shows in the state of [Insert Name], conducting seminars in the state of [Insert Name], assessing competitor’s products in the state of [Insert Name], **having a parent company with a separate subsidiary located in the state of [Insert Name]**, without more, is not enough to constitute nexus in the state of [Insert Name].

#### **Section 5. {Severability Clause}**

#### **Section 6. {Repealer Clause}**

#### **Section 7. {Effective Date}**

*Adopted by the Tax and Fiscal Policy Task Force at the Spring Task Force Summit, April 13, 2002. Approved by the full ALEC Board of Directors May, 2002.*

## **Streamline Sales and Use Tax Resolution**

### ***Summary***

This Resolution encourages states to join the Streamlined Sales and Use Tax system. This system would allow states to collect sales taxes on out of state businesses while conforming their sales tax statutes to a single, uniform system.

### ***Model Resolution***

**WHEREAS**, in 1992 the U.S. Supreme Court held in *Quill v. North Dakota* that states are allowed to impose sales taxes on its residents who make out of state transactions, but denied states the authority to require the collection of those sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

**WHEREAS**, the Supreme Court based its decision on the burden and cost to out of state sellers to comply with 46 different sales tax regimes; and

**WHEREAS**, the states working together with business formulated a simplified and uniformed system to administer and collect sales taxes from sellers that reduced the burden and cost of collection; and

**WHEREAS**, the Streamlined Sales and Use Tax Agreement responds to the concerns raised in the *Quill* decision while ensuring state sovereignty and the ability of each state legislature to determine its participation in such a system; and

**WHEREAS**, as of July 1, 2011, the legislatures in 24 states (Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming) have given consent to participation in such system by complying their states sales tax statutes to the Agreement; and

**WHEREAS**, small sellers from main street to large interstate sellers support the states' efforts to reduce and to eliminate the burden and cost to business to collect the states' sales taxes; and

**WHEREAS**, the Center for Business Research at the University of Tennessee has estimated that in fiscal year 2012, that as much as \$23 billion in legally levied and owed sales and use taxes will go uncollected by remote sellers; and

**WHEREAS**, while states and business developed the Streamlined Sales and Use Tax Agreement, the 24 states cannot apply the simplified and uniformed sales tax collection and administration system to out of state sales because of the *Quill* decision; and

**WHEREAS**, the U.S. Supreme Court in *Quill* also implied that this was a matter that can and should be solved by the Congress; and

**WHEREAS**, the federal Main Street Fairness Act would give states that comply with the simplified and uniformed sales tax administration and collection compact the ability to collect out of state sales taxes;

**THEREFORE BE IT RESOLVED** that the American Legislative Exchange Council (ALEC) supports the optional decision made by state legislatures to join the Streamlined Sales and Use Tax system; and

**BE IT FURTHER RESOLVED** that ALEC supports the cooperative effort by states and business to reduce the burden and cost of collecting sales taxes on all sellers while maintaining state sovereignty and the principles of federalism; and

**BE IT FURTHER RESOLVED** that ALEC acknowledges that the Congress should give those states in which the legislature decided to participate in the simplified and uniformed sales tax collection and administration compact the ability to collect out of state sales taxes.

## **Resolution Adopting the 10 Elements of High-Quality Digital Learning**

*Expressing the will of the Legislature to ensure the necessary conditions for expanded high-quality digital learning opportunities for the students of [State].*

**WHEREAS**, academic success in the 21st century, and therefore the future of our state's economy, is contingent upon our students' access to high-quality education; and

**WHEREAS**, excellent educational resources are becoming abundant in digital form, such as online and blended learning opportunities; and

**WHEREAS**, the primary barriers preventing our students from accessing these high-quality digital learning opportunities are outdated state statutes and policies; and

**WHEREAS**, this Legislature understands the urgent need for its leadership in removing the policy barriers standing between our children and the digital learning opportunities that can ensure their success, and our state's, in this Information Age;

**THEREFORE, BE IT RESOLVED** that [State] adopts the Digital Learning Council's 10 Elements of High Quality Digital Learning, as hereby presented. It is the will of the Legislature that the Elements shall be incorporated as necessary through future legislation as well as immediate state regulation, strategic planning, guidelines and/or procedures on the part of the [State Education Agency], local education agencies, and any other relevant public or private bodies.

### **Digital Learning Council's 10 Elements of High Quality Digital Learning**

1. Student eligibility: All students are digital learners.
2. Student access: All students have access to high-quality digital content and online courses.
3. Personalized learning: All students can customize their education using digital content through an approved digital learning provider.
4. Advancement: Students progress based on demonstrated competency.
5. Content: Digital content, instructional materials, and online and blended learning courses are high quality.
6. Instruction: Digital instruction and teachers are high quality.
7. Digital learning providers: All students have access to multiple high-quality digital learning providers.
8. Assessment and accountability: Student learning is one method of evaluating the quality of content and instruction.
9. Funding: Funding creates incentives for performance, options, and innovation.
10. Delivery: Infrastructure supports digital learning.

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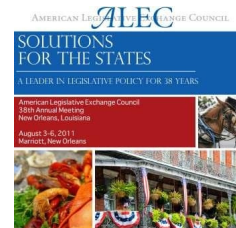
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# ATTENDEE

## REGISTRATION / HOUSING FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL



Early registration deadline: June 7, 2011  
Standard registration deadline: July 11, 2011  
Housing cut-off date: July 11, 2011

New Orleans Marriott - New Orleans, LA

Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern  
Registration: 202.742.8538 / Housing: 800. 228.9290

### ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_  
Title \_\_\_\_\_  
Organization (required) \_\_\_\_\_  
Address \_\_\_\_\_ Suite # \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_  
Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_  
Email (confirmation will be sent by email) \_\_\_\_\_

Spouse / Guest / Kids' Congress: Please complete the Spouse / Guest / Kids' Congress registration form.

### REGISTRATION INFORMATION

**\*\*Save \$100 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

**DISCOUNTED REGISTRATION FEES** are extended only to registrants booking in ALEC's headquarter hotel. Your \$100 savings will become valid when accommodations are confirmed.

	EARLY until June 7	STANDARD until July 11	ON-SITE begin July 12	DAILY	Amount
<input type="checkbox"/> I am already registered: Order # _____					
<b>** Please note that member fees are subject to verification</b>					
<input type="checkbox"/> ALEC Legislative Member	\$475	\$575	\$675	\$295	\$ _____
<input type="checkbox"/> Legislator / Non-Member	\$575	\$675	\$725	\$395	\$ _____
<input type="checkbox"/> ALEC Private Sector Member	\$840	\$930	\$1099	\$595	\$ _____
<input type="checkbox"/> Private Sector / Non-Member	\$975	\$1065	\$1350	\$695	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$610	\$685	\$760	\$395	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$725	\$800	\$875	\$495	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$650	\$750	\$900	\$495	\$ _____
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0	\$0	\$ _____

Promo Code \_\_\_\_\_

**TOTAL REGISTRATION FEES:** \$ \_\_\_\_\_

#### METHOD OF REGISTRATION PAYMENT

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Note:** Registration forms with enclosed payments must be received by 5pm Eastern on the following dates to be eligible for discounted registration rates: June 7, 2011, for early registration rates, or July 11, 2011, for standard registration rates. Forms and/or payments received after July 11, 2011, will be subject to the on-site registration rate. If registering after July 11, 2011, please bring completed form and payment to register on-site.

#### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

#### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern July 11, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern July 11, 2011.

### HOUSING

**RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS 12pm Eastern July 11, 2011**

**\*\*Save \$100 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

☐ I do not require a reservation at this time.

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

☐ Sharing room with \_\_\_\_\_

#### Room type

<input type="checkbox"/> Single	(1 person – 1 bed)	\$ 183
<input type="checkbox"/> Double	(2 persons – 1 bed)	\$ 213
<input type="checkbox"/> Dbl/Dbl	(2 persons – 2 beds)	\$ 213
<input type="checkbox"/> Triple	(3 persons – 2 beds)	\$ 243
<input type="checkbox"/> Quad	(4 persons – 2 beds)	\$ 273

A limited number of **suites** are available upon request. Please call 800.228.9290 for additional information.

#### Special requests

☐ ADA room required:  
\_\_\_\_ Audio \_\_\_\_ Visual \_\_\_\_ Mobile  
☐ Rollaway / crib: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

#### METHOD OF HOUSING PAYMENT

☐ Please use the same method of payment as above.

**Credit Card:** Credit cards will be used to guarantee the reservation

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

\* All rates DO NOT include state and local tax currently 13% plus occupancy tax \$3.00 (subject to change)

**Note:** Cutoff for reservations at the ALEC rate is July 11, 2011. After July 11, 2010, every effort will be made to accommodate new reservations, based on availability and rate.

#### HOUSING CONFIRMATION INFORMATION

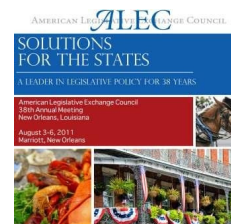
Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

#### HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of \$100 plus tax. Please obtain a cancellation number when your reservation is cancelled.

# SPOUSE / GUEST KIDS' CONGRESS REGISTRATION FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL  
**ALEC**



Early registration deadline: May 2, 2011  
Standard registration deadline: July 11, 2011

New Orleans Marriott - New Orleans, LA

Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern  
202.742.8538

Mail • ALEC Registration & Housing  
P.O. Box 96754 • Washington, DC 20090-6754

**IMPORTANT: Please identify the ALEC attendee**

## ALEC ATTENDEE Profile Information

First Name	Last Name	REGISTRATION ORDER NUMBER
<hr/>		
Daytime Phone		
<hr/>		
Email (Confirmation will be sent by email)		
<hr/>		

## SPOUSE / GUEST / KIDS' CONGRESS Registration Fees

	(#) x	EARLY until May 2	STANDARD until July 11	ON-SITE begin July 12	DAILY	Amount
A. Spouse / Guest / Child 18 yrs or older	( ) x	\$150	\$150	\$150	n/a	= \$ _____
B. Kid's Congress (6 months to 17 yrs) <b>for ALEC Members Full Conference Rate</b>	( ) x	\$250	\$350	\$550	n/a	= \$ _____
C. Kid's Congress (6 months to 17 yrs) <b>for Non-ALEC Members Full Conference Rate</b>	( ) x	\$350	\$450	\$650	n/a	= \$ _____
D. Kid's Congress (6 months to 17 yrs) <b>Day rate: Wed., Thurs., or Fri.</b>	( ) x	\$150	\$150	\$250	n/a	= \$ _____

SPOUSE / GUEST / KID'S REGISTRATION FEE(s) TOTAL \$ \_\_\_\_\_

## Spouse / Guest / Child Names Please list the names of the spouse / guest / children below

Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)	Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)
1. _____	_____	_____	5. _____	_____	_____
2. _____	_____	_____	6. _____	_____	_____
3. _____	_____	_____	7. _____	_____	_____
4. _____	_____	_____	8. _____	_____	_____

## Payment Information

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

<input type="checkbox"/> American Express	Card # _____
<input type="checkbox"/> Visa	Cardholder (please print) _____
<input type="checkbox"/> MasterCard	Exp Date (mm/yy) _____ Security Code _____
	Signature _____

**Check / money order:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

**Note:** Registration forms with enclosed payments must be received by 5pm Eastern on the following dates to be eligible for discounted registration rates: May 2, 2011, for early registration rates, or July 11, 2011, for standard registration rates. Forms and/or payments received after July 11, 2011 will be subject to the on-site registration rate. If registering after July 11, 2011 please bring completed form and payment to register on-site.

## Confirmation Information

Online registrants will receive immediate confirmation via email. If registering by written form, confirmation will be emailed (if address provided), faxed, or mailed within 72 hours of receipt of payment.

## Cancellation / Refund Information

Registrations cancelled prior to 5:00 p.m. (EST) July 11, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00 p.m. (EST) July 11, 2011.

## **SCHOLARSHIP POLICY BY MEETING**

### ***ALEC Spring Task Force Summit:***

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

### ***ALEC Annual Meeting:***

***State Scholarship Reimbursement Form:*** State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

### ***ALEC States & Nation Policy Summit:***

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

### ***ALEC Academies:***

***Academy Reimbursement Form:*** Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.





## **American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES**

### ***I. MISSION OF TASK FORCES***

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

### ***II. TASK FORCE RESPONSIBILITIES***

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
  - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
  - educational communication and correspondence campaigns;
  - issue specific briefings, press conferences and press campaigns;
  - witness testimony and the activities of policy response teams;
  - workshops at ALEC's conferences; and
  - specific focus events.
- D. The Executive Director is to ~~Task Forces are responsible for developing an annual budgets,~~ which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

### ***III. GENERAL PROCEDURES***

- A.** Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

#### ***IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES***

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
  - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
  - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
  - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

## ***V. Task Force Budgets***

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

## ***VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS***

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but

should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

## ***VII. REMOVAL AND VACANCIES***

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.



- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

## ***VIII. MEETINGS***

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
  - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

## IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
  - Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
  - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
    - History of Task Force action
    - Previous ALEC official action/resolutions
    - Issue before the board
    - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

## **X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.**

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.



## **Mission Statement**

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.